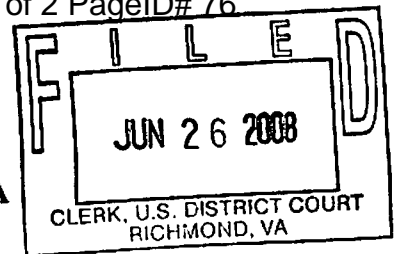


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**



EDDIE A. BANKS,

Petitioner,

v.

Civil Action No. 3:07CV746-HEH

GENE JOHNSON, *et al.*,

Respondents.

ORDER
(Dismissing 28 U.S.C. § 2254 Petition Without Prejudice)

In accordance with the accompanying Memorandum Opinion, it is hereby ORDERED that: the petition for a writ of habeas corpus under 28 U.S.C. § 2254 is DISMISSED WITHOUT PREJUDICE for failure to exhaust state court remedies; Respondent Gene Johnson's motion to dismiss (Docket No. 4) is DENIED as MOOT; and the action is DISMISSED.

Petitioner is advised that he has the right to appeal the decision of this Court. Should he wish to do so, written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a written notice of appeal may result in the loss of the right to appeal.

The Clerk of the Court is DIRECTED to send a copy of the Memorandum Opinion and this Order to Petitioner and counsel of record for Respondents.

It is SO ORDERED.

Date: June 25, 2008
Richmond, Virginia



/s/

Henry E. Hudson
United States District Judge